



# Lamoine Board of Selectmen

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## Minutes of July 12, 2012

Chair Jo Cooper called the meeting to order.

Present were: Selectmen S. Josephine Cooper, Cynthia Donaldson, Gary McFarland, William Brann; Administrative Assistant Stu Marckoon, Assessor Michael Jordan, Catherine deTuede, Carol Korty, Charles & Marcia Hemingway and Edward Michaels. Selectman Richard Fennelly Jr. had informed the board that he was unable to attend.

**Agenda Review** – Upon suggestion from both Michael Jordan and Stu, the Board agreed to consider the appointments to the Planning Board, Deputy Code Enforcement Officer, Deputy Plumbing Inspector and Deputy Building Inspector following the planned executive session.

**Minutes – June 21, 2012** – Bill said he'd found a couple of typos. Cynthia said she had a couple of additions, and moved to approved with the proposed changes. Gary 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Minutes – June 26, 2012 (special meeting)** - Cynthia said she had one correction. Jo moved to approve as corrected. Gary 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Expenditure Warrant 27 (FY 2012)** – Selectmen signed warrant 27 in the amount of \$10,920.77.

**Expenditure Warrant 1 (FY 2013)** – Selectmen signed warrant 1 in the amount of \$46,922.32. Stu noted the one time payments to the various social services and contracts were on this warrant. He said the largest bill was for County Ambulance.

**Budget Reports** – Stu reported the Administration budget for FY 2012 looks very healthy, but he found when reviewing it earlier in the day that the town has not received or paid for the previous fiscal year audit. He said he called the auditor earlier today to inquire and they said they would get back to him.

(a further discussion on the FY 12 budget came later in the meeting)

Stu reported that he had formatted the FY 2013 budget report in pretty much the same style as the previous fiscal year, and the numbers were in the materials provided tonight.

**Checking Account Reconciliation** – Selectmen signed the statement expressing satisfaction with the review of the reconciliation of the checking account as of June 30, 2012 which had been sent via e-mail.

**Mileage Rate** – Stu reported there was no change proposed to the 2012/13 mileage rate at \$0.50/mile. Jo moved to approve the policy at that rate. Gary 2<sup>nd</sup>. **Vote in favor was 4-0.**

**URIP Program Acceptance** – Stu reported the MDOT would send the town \$23,876 for the road program for 2012/13, which is down about \$600 from the previous year. Jo moved to accept the money. Bill 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Fuel Bid** – Stu read the four bid prices received by the Town of Hancock which administered the program and said Hancock had accepted the low bid of \$2.83/gallon from Acadia Fuel, the vendor both towns used in the previous heating season. Jo moved to award the bid to Acadia Fuel. Bill 2<sup>nd</sup>. **Vote in favor was 4-0.**

**MMA Legislative Policy Committee Vote** – Jo moved to cast the board's votes for Gary Fortier and Dale Sprinkle. Gary 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Town Meeting Format** – Jo said Catherine deTuede had made several good suggestions in a letter addressed to the board regarding encouraging attendance at town meeting. She noted that the board has discussed several of those ideas in the past.

Ms. deTuede asked if there were a minimum number of people who had to attend a town meeting. Stu said there needs to be a clerk, an elected moderator, and at least one voter. Ms. deTuede said she thought if the time, day and month of the annual town meeting changed, it could be coupled with other events, and listed several ideas. She said if only one of the events was done along with town meeting, it probably wouldn't make much difference in the turnout, but if town meeting were part of a larger social event, it might attract more people. She suggested that more goes on in late spring, and that might be a better time for the meeting. She said it's a question of how you want to get people more involved.

Jo said the board is always concerned about encouraging citizen participation and voting. She said she's not sure she would want the town meeting to last any longer than it already does. Ms. deTuede said the meeting would run the same length of time. She said she found the results of a survey taken by the town interesting. She said there is never a perfect day or time. She said having it during the day would allow more elderly folks to attend. She said the standard town meeting attendance throughout New England is 27%. Stu said that couldn't be correct. He said 27% of the voters would not fit into Lamoine's gym. A brief discussion followed on the local survey taken a few years ago. Ms. deTuede noted that the demographics of the town have changed in the last 10-years.

Jo said maybe a bigger thing to look at than the time of day and having a meal involved is how to get more people involved in local government. Ms. deTuede said she's interested in including other events with the town meeting. She said if school children were required to attend for classes; it could encourage their parents to get involved. She said there is a built in problem in that Lamoine is a suburb of Ellsworth, and depends on that city for everything socially. She said the Church and Grange are no longer social outlets. She said there ought to be something to envelope the social function, and it might be a matter of marketing.

Jo said people get real interested in attending if there is something they don't agree with. Ms. deTuede said she liked the idea of having people giving out business cards at the meeting. Gary asked if he was correct that the suggestion was to make town meeting

more of a community event. Ms. deTuede said if we don't go to referendum voting or a representative form of town government, it might be time to shift ideas.

Carol Korty said she loves town meeting, and favors its continuation. She said her concern is that a lot of people don't vote. She said she has found some support for a mid-day meeting with a social event feeling. She said it's a nice feeling to get together with neighbors, and she would like the town meeting to be in the spring.

Jo noted it's not the role of the Selectmen to organize any type of social event. Ms. deTuede said the town meeting could be positioned to coincide with different events. Jo said the Board would have to talk it over and decide what the next steps would be.

**Communications from Charles W. Hemingway** – Stu reported that a response to the letter sent to Mr. Hemingway was received. Mr. Hemingway asked if he and his wife could speak with the board this evening. Jo said the issue was on the agenda.

Mr. Hemingway said he has several questions, and concerns about an apparently conflict with paper work and the people who have control over the matter which involves a potential driveway near his property line. He said he spoke with the Code Enforcement Officer regarding a right of way, and the existing right of way has been used for 108 years and was OK'd by the fire chief. He said the Code Enforcement Officer told him that the 15-foot setback would not apply. He said no one has applied for a right of way, but he saw people at the property a couple of weeks ago and they set some stakes, including some right on the property line. He said the West family purchased a 15-foot right of way along his boundary. He said they got a road opening permit from the Maine DOT, and the MDOT says that they must comply with local regulations. He said he understands that the CEO, Dennis Ford, reports to the Board of Selectmen, and the Selectmen need to know that Mr. Ford told him that the 15-foot setback doesn't apply in this case. He said he doesn't see where his neighbors have applied for any local permit. He said Mr. Ford was present on the neighboring property on July 10<sup>th</sup> and taking some measurements. He asked if Mr. Ford's notes are public information under the Right-to-Know Law.

Jo said she's not sure if the notes are public information, but she would think so. She said the Selectmen discussed this at the June 21, 2012 meeting and Jay Fowler said no permits had been applied for. She said it's nothing the Selectmen have any expertise on. She said in regard to authority, that would only come in at a time if there were any penalty to administer. She told Mr. Hemingway she wants to assure him that his questions are answered and his concern addressed. Stu said there are no town permits required to put in a driveway outside of the Shoreland Zone other than the road entrance permit, which in this case would be issued by MDOT. Jo said she's not sure that the Selectmen are the right people to answer the questions and concerns.

Mr. Hemingway asked who has the authority, and read a section from the Building and Land Use Ordinance regarding driveway setback. He said he wants to protect trees being cut up to his property line to make way for a driveway. Cynthia asked if the question is about the ordinance and an old deed. Jo said it appears Mr. Hemingway is asking the Selectmen to resolve the deed vs. the ordinance. Mr. Hemingway said he

has no question about the ordinance. Jo said it looks like Mr. Hemingway could use the services of a land use lawyer.

Michael Jordan said the Selectmen have no authority in this matter. He said there is no permit required from the town, and there has been no violation. He said if there is a violation, a complaint would have to be filed, and if the complainant is not satisfied with the actions of the Code Enforcement Officer, it can be appealed to the Board of Appeals or Superior Court. He said the State issues the entrance permit and Mr. Hemingway might try to talk with the MDOT about that. He said the Code Enforcement Office has done nothing at this point. A discussion followed in regard to rights of way, setbacks, and grandfathering.

Jo suggested that Mr. Hemingway speak with an attorney as his questions were of a legal nature, and the Selectmen are not able to resolve them. Edward Michaels said the Code Enforcement Officer enforces the law, not boundary disputes, and this appears to be a civil matter. Jo suggested that Mr. Hemingway continue his conversation with the Code Enforcement Officer and that the Selectmen are unable to assist him. She wished him luck with his attempt to figure out what should happen.

**Appointments** – Jo moved to appoint Jennifer Kovacs as the Deputy Treasurer. Gary 2<sup>nd</sup>. **Vote in favor was 4-0.**

Jo moved to appoint Jennifer Kovacs as the Excise Tax Collector. Cynthia 2<sup>nd</sup>. **Vote in favor was 4-0**

Jo moved to appoint Stuart Marckoon as the Deputy Excise Tax Collector. Cynthia 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Road Projects** – Stu reported that he put together a list of projects for the summer based on the previous work schedule and added a few projects that have cropped up. Jo said this appears to be in the Road Commissioner's purview. There was no objection to proceeding with the list.

**New England Management Institute** – Stu said while he enjoys attending the annual institute, the timing would not work out well this year, as he's on vacation the next week, and he did not plan to attend.

**MUBEC/BLUO** – There has been nothing received on this from the Planning Board at this time.

**RSU 24 Withdrawal** – Gary reported that the organizational meeting for the withdrawal committee was held on July 10<sup>th</sup> and officers were selected. He said that started the 90-day window, and the committee held its first meeting prior to the Selectmen's meeting this evening. He said they discussed legal matters and planning and it might be more than what was expected. He said the City of Ellsworth has an attorney attending all the meetings of the Withdrawal Committee. He said the next meeting will be next Tuesday at 6:30 PM at the town hall and it will be on TV. He said there are a lot of unanswered questions.

**Fireworks Ordinance** – Stu reported the state law is pretty clear that fireworks would not be allowed in the town parks without landowner permission anyway, so no local ordinance would be needed. He said he understands there were several instances of fireworks being used at Lamoine Beach on July 4<sup>th</sup>. He asked if the Board wished to have signs posted at Lamoine Beach and Bloomfield Park. Selectmen said that would be OK. Stu said he would consult with the Parks Commission in regard to wording.

**Personal Business at Town Facilities** – Stu said he has a couple of clients that he does bookkeeping work for at his home, but they occasionally drop off paperwork and pick up paperwork at the town office. He said he was concerned that Selectmen might desire a policy regulating such activity. The Board asked if it interfered with town business at all. Stu said it did not, and the town business is always the top priority. Selectmen said they are comfortable without having another formal policy on the issue. Stu said he addressed a similar situation at the transfer station and it appears to be working OK.

**Special Town Meeting** – Selectmen said the 2<sup>nd</sup> meeting in September (September 20, 2012) would be a good time for the needed special town meeting. Among the items on the warrant would be funding for the fire department boiler, an adjustment to the administration budget to correct an error in the town clerk/tax collector salary line, adding hose testing to the fire department's 2012/13 budget, and reimbursing the fire department for the 2011/12 over expenditure for which the fire department corporation is willing to reimburse the town for, even though the public safety budget was not exceeded. In regard to the last issue, Cynthia moved to ask the fire department to reimburse the town for the amount of its budget that was exceeded within the public safety budget and then to ask the town meeting to appropriate that amount from undesignated fund balance to add to the 2011/12 budget and reimburse the fire department corporation. Gary 2<sup>nd</sup>. **Vote in favor was 4-0.**

Selectmen said they believed the town hall would be the appropriate venue for the special town meeting, as it should attract scant interest.

**County Government Structure** – Stu reported the MDI League of Towns voted to ask each town's municipal officers whether they had an opinion regarding management of county government, and whether the county commissioners ought to explore hiring a manager. Jo said that based on the experience here in Lamoine, it has been positive. She said it would not be an instant fix to whatever might be wrong in County Government, and the county would have to pay for it. Cynthia noted that the towns in the county would have to kick into it. She said she supported finding out more information. Jo, Gary and Bill said they were not opposed to having the county commissioners look into a county manager system. Cynthia said she would like more information.

**Code Enforcement Officer Application Process** – Edward Michaels confirmed that he was an applicant for the CEO opening, and asked if it was a part time position. Stu said yes, one that requires a regular, weekly presence. Jo said a search committee has formed and would review applications. Mr. Michaels said he did not hear an answer in

regard to enforcement of MUBEC earlier in the meeting. A lengthy discussion followed in regard to MUBEC and the Building and Land Use Ordinance.

Cynthia said if Mr. Michaels is interest in the job, it is open and people are submitting applications. She said the search committee will meet with the candidates. Michael Jordan said the job is part time, one day a week in the office and the deputy fills in for the regular CEO. Cynthia suggested that Mr. Michaels could get the information from Stu or from the town's website. Mr. Michaels said he was interested in the backup position.

**Other** – Cynthia commented that she really liked the latest issue of the Lamoine Quarterly in that it seemed easier to read and there was more white space. Stu said the font is the same as it has always been, but there may have been more pictures.

**Next Meeting** – The next regular meeting is scheduled for August 2, 2012. Gary said he has a conflict with that date. Stu said he would have a warrant ready to sign in late July.

The CEO Search Committee will meet on Thursday, July 19, 2012 at 7PM at the Town Hall.

**Executive Session** – Jo moved to enter executive session pursuant to 1MRSA §405(6)(a) to discuss a personnel review and contract negotiation with the Animal Control Officer and the Deputy CEO/LPI/BI. Cynthia 2<sup>nd</sup>. In at 8:27 PM. Out at 9:27 PM.

**Appointment** – Following the executive session, Jo moved to appoint Michael Jordan as an alternate member of the Planning Board for a 3-year term. Bill 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Animal Control Officer Contract** – Jo moved to approve a new, one year contract with Michael Arsenault. Cynthia 2<sup>nd</sup>. Stu noted the only language change was the hourly rate which increased at 3%, comparable to the transfer station increase.

**Cable TV Computer** – Stu reported the monitor for the computer in the Cable TV room died and he planned to pick up a new one the next day. He said the computer itself is about 8-years old and may have hit its life span. He said he hopes to have a Cable TV Committee meeting soon.

There being no further business, the meeting adjourned at 9:30 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen